

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#41
B. Denny
11-19-98

In re the Application of
Karsten HENCO et al

Allowed: 07/17/98

Batch : G59

Serial No.: 08/157,195

Group Art Unit: 1634

Filed: 12/08/93

Examiner: K. Horlick

For: PROCESS FOR THE DETERMINATION OF IN
VITRO AMPLIFIED NUCLEIC ACIDS

ESTABLISHMENT OF SMALL ENTITY STATUS

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

Small entity status is hereby claimed for the
captioned application. Submitted herewith is the appropriate
documentation to support the claim.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

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Atty. Dk. No.: P58151NA

Dated: October 14, 1998

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Attny's Docket No. 10496/P58151NA

SMALL ENTITY DECLARATION
 [37 CFR 1.9(c-f)]

Each undersigned declares that:

- (1) ☐ the application attached hereto
 (2) ☒ U.S. Application Serial No 08/157,195 filed December 8, 1993
 (3) ☐ U.S. Patent No. _____ Issued _____

is entitled to the benefits of "small entity" status for paying reduced fees under 35 USC 41(a) and (b) to the Patent and Trademark Office by virtue of the following:

(4) ☐ Each undersigned declares that he/she qualifies as an independent inventor, or would qualify had he/she made the invention, as defined in 37 CFR 1.9(c).

(5) ☒ The undersigned declares that he/she is an official empowered to act on behalf of the concern identified below; that this concern qualifies as a small business concern as defined in 37 CFR 1.9(d).

(6) ☐ The undersigned declares the he/she is an official empowered to act on behalf of the organization identified below; that this organization qualifies as a nonprofit organization as defined in

- (a) ☐ 37 CFR 1.9(e)(1)
 (b) ☐ 37 CFR 1.9(e)(2)
 (c) ☐ 37 CFR 1.9(e)(3)
 (d) ☐ 37 CFR 1.9(e)(4)

State law of _____

(7) Each person, concern or organization to which I/we have assigned, granted, conveyed or licensed, or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- (a) ☐ no such person, concern or organization
 (b) ☐ persons, concerns or organizations listed below

[a separate declaration is required from each named person, concern or organization having rights to this invention averring to their status as "small entities."]

Full Name _____

Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I/we acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement of small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I/we hereby declare all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

(8) _____
 Typed Name of Inventor Signature Date

 Typed Name of Inventor Signature Date

(9) Evotec BioSystems GmbH
 Name of Small Business Concern or Nonprofit Organization

✓ Karsten Henco By [Signature] Date Jan 1, 1996
 Typed Name Signature Date

✓ Managing Director
 Title of Signatory

INSTRUCTIONS FOR COMPLETION OF SMALL ENTITY DECLARATION

Check box (1) if for use with application about to be filed.

Check box (2) if for use with a filed patent application and complete application No. and date filed.

Check box (3) if for use with an issued patent and complete Patent No. and date issued.

CHECK ONLY ONE OF BOXES 4, 5 or 6, WHICHEVER IS APPLICABLE

Check box (4) if Declaration is signed by individual(s) who are either: (a) an independent inventor or (b) a person who would qualify as an independent inventor had he/she made the invention. Each individual verifies that he/she has not, and is under no obligation to, assign, grant, convey or license any right in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention or to any concern which would not qualify as a small business concern or non-profit organization (described below). Section (8) must then be completed with typed name, signature and date for each individual.

Check box (5) if small entity status is claimed by virtue of the rights to the invention having been assigned, granted, conveyed or licensed, or an obligation exists to do so, to a concern whose number of employees, including those of its affiliates, does not exceed 500 persons. Concerns are affiliates of each other when either, directly or indirectly, controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year. If the small business concern has or is under an obligation to transfer any rights to another who cannot qualify as small entity, then small entity status is not applicable. Section (9) must then be completed with the typed name of the small business concern, its authorized signatory and his/her title and then signed and dated by the authorized signatory.

Check box (6) and subsection (a), (b), (c) or (d), if small entity status is claimed by virtue of the rights to the invention having been assigned, granted, conveyed or licensed, or an obligations exists to do so, to a non-profit organization. Check (a) if the organization is a university or other institution of higher learning; Check (b) if it is an organization of the type described in Section 501(c)(3) of IRS Code and exempt from taxation under Section 501(a); Check (c) if the organization is a non-profit scientific or educational organization qualified under a statute of a State of the U.S.; or check (d) if a foreign organization would qualify under (6)(b) or (6)(c) if such organization was located in the U.S.. Fill in the state law under which the organization would qualify. Section (9) must then be completed with the typed name of the non-profit organization, its authorized signatory and his/her title, and then signed and dated by the authorized signatory.

Check box (7)(a) or (b) as the facts dictate.

IMPORTANT

(1) Note that U.S. attorneys and agents *cannot* complete this document after signed. Therefore, please completely fill it in before sending to us.

(2) Each person, concern or organization that has an interest in this invention must sign one of the "Small Entity" Declarations. For example, if an inventor/employee has an obligation to assign to his employer, a corporation having fewer than 500 employees, which corporation has licensed this invention to a licensee corporation also having less than 500 employees, then three "Small Entity" declarations are necessary *before* the lesser fee can be paid: one from the inventor; one from an official of the employer; and one from an official of the licensee. In the declarations by the inventors and the employer section 7(b) would have to be checked and filled in, the licensee would check section 7(a).

We will be pleased to answer your questions. You may contact us in the following ways:

JACOBSON, PRICE, HOLMAN & STERN

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